

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

	)	
MARGARITA MUNOZ,	)	
Petitioner	)	
	)	
v.	)	CIVIL NO. 04-11699-EFH
	)	
UNITED STATES OF AMERICA	)	
Respondent	)	
	)	

UNITED STATES' SECOND MOTION FOR EXTENSION  
OF TIME IN WHICH TO FILE ITS RESPONSE

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves the Court for additional time in which to file its response to the motion filed by the petitioner, Margarita Munoz ("Munoz"), pursuant to 28 U.S.C. § 2255. The government seeks an additional sixty days in which to file its response and requests that the Court enter an order requiring it to be filed on or before June 18, 2005. The grounds for this motion are as follows:

1. On or around July 27, 2004, Munoz filed a motion pursuant to 28 U.S.C. § 2255 claiming: (1) ineffective assistance of counsel, and, (2) violation of her 6<sup>th</sup> Amendment rights as defined by the Supreme Court in Blakely v. Washington, 540 U.S. 965 (2004). The government previously filed a request to extend the time in which it was to respond, based partially upon the fact that the undersigned counsel did not have access to the case file nor was she familiar with the case.

2. In formulating its response to Munoz's motion, it recently came to the attention of the undersigned that it would be necessary to review the transcript of the Rule 11 hearing which was held on April 18, 2002. The transcript has not yet been prepared, and the government requests additional time in order for it to obtain, and review the transcript. In addition, in her petition, Munoz suggests that she notified the district court of her desire to file an appeal, but that the appeal was not docketed. The government has not yet been able to locate the document that Munoz sent to the court.

4. Both the notice and the transcript are necessary for the government to respond properly to Munoz's § 2255 petition. For these reasons, the government requests an additional 60-days to respond. This additional time should ensure that the government has all of the necessary information to respond completely and adequately to Munoz's petition.

WHEREFORE, the government requests that its motion be granted and that the Court order that the government's response be filed on or before June 18, 2005.

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Susan M. Poswistilo  
SUSAN M. POSWISTILO  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing will have been served upon the petitioner (pro se) by first-class mail on the 19<sup>th</sup> day of April, 2005, at the following address:

Margarita Munoz  
Alderson Prison Camp  
Box A  
Alderson, WV 24910

/s/ Susan M. Poswistilo  
SUSAN M. POSWISTILO  
ASSISTANT U.S. ATTORNEY